

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 3012 – HB 3125

April 20, 2010

SUMMARY OF AMENDMENTS (015389, 016195): Deletes all language after the enacting clause. Expands the existing Class A misdemeanor for possession of a handgun while under the influence of alcohol or any controlled substance to include a person possessing a firearm if the person is both in an establishment open to the public where liquor, wine, or other alcoholic beverages are served for consumption on the premises and the person is consuming any such alcoholic beverage. For a first offense, violation is punishable by a fine of not less than \$350 nor more than \$1,500; a mandatory minimum sentence of 48 hours; and mandatory suspension of the person's handgun carry permit for five years. Creates a Class B misdemeanor, punishable by fine only of \$500, for a person to possess a weapon in a building or on property that is properly posted with a handgun restriction notice. Effective September 1, 2010, a component of the classroom portion of all Department of Safety (DOS) approved handgun courses shall be instruction on alcohol and drugs, the effects of those substances on a person's reflexes, the judgment and ability to safely handle a firearm, and the provisions of Tenn. Code Ann. § 39-17-1321. Deletes the Class C misdemeanor offense for a person, licensed to sell wine or other alcoholic beverages for on the premises consumption, to post a handgun sign at least six inches high and fourteen inches wide pursuant to Tenn. Code Ann. §§ 57-4-203 and 57-3-204.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Not Significant
Increase State Expenditures – Not Significant

Increase Local Revenue - \$11,000
Increase Local Expenditures - \$4,200*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase State Revenue – Not Significant/Recurring
Increase State Expenditures – \$40,000/One-Time/Department of Safety

Increase Local Revenue – \$7,700/Recurring
Increase Local Expenditures – \$2,800*/Recurring

Assumptions applied to amendments:

- State court convictions are 10 percent of the total convictions. According to the Administrative Office of the Courts, there has been an average of three convictions for

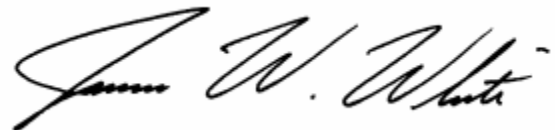
violations of possession of a firearm where alcoholic beverages are served in each of the past five years. Total convictions, including general sessions courts, are estimated to be an average of 30 per year. The weighted average cost per day for local jails is \$46.61. Requiring mandatory minimum sentences of 48 hours will result in an increase in local expenditures of \$2,796.60 (\$46.61 x 2 days x 30 offenders). Estimate assumes 25 percent of the offenders (8) are indigent and will not be able to pay the \$350 mandatory minimum fine. An increase in local revenue estimated at \$7,700 (\$350 x 22 offenders).

- Requiring suspension of a defendant's handgun carry permit for a period of five years will require DOS to modify the current computer program. Modifications will be necessary to the handgun issuance programs, handgun/driver history database, batch history, system-generated correspondence, and modification to feeder systems such as the court data reporting/court data uploads systems. The one-time increase in state expenditures for DOS is estimated to be \$40,000.
- Requiring handgun safety courses to have a component of classroom instruction on alcohol and drugs applicable to laws regarding firearms will have a not significant impact on DOS.
- Deleting the Class C misdemeanor offense for a licensed alcohol seller to post certain signs will result in a slight decrease in the number of violations. Such decrease is estimated to be not significant.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc